

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ARTHUR KIRKHAM,

Plaintiff,

v.

WHATCOM COUNTY, et al.,

Defendants.

CASE NO. 2:25-CV-208-DGE-DWC

ORDER TO SHOW CAUSE

This prisoner civil rights action has been referred to United States Magistrate Judge David W. Christel. Plaintiff Richard Arthur Kirkham, proceeding *pro se*, initiated this action alleging deliberate indifference to his serious dental needs by Defendants Whatcom County, Donnell Tanksley, Wendy Jones, Caleb Erickson, DentALL, PLLC., Jessica Dubek, and BreAnna Brock. *See* Dkt. 7. The filing fee has been paid. *See* Dkt. 1. The Clerk's Office has attempted to effect service on all defendants pursuant to Federal Rule of Civil Procedure 4, but Defendants Dubek and DentALL have not returned signed waivers of service of summons by the required deadline. *See* Dkt. 11. Accordingly, Defendants Dubek and DentALL must show cause regarding their failure to file timely service waivers.

I. DISCUSSION

On June 2, 2025, the Court directed service of Plaintiff's Second Amended Complaint upon all defendants. Dkt. 11. In particular, the Court directed the Clerk's Office to effect service in accordance with Federal Rule of Civil Procedure 4, and ordered the following:

Defendants shall have thirty (30) days within which to return the enclosed waiver of service of summons. A defendant who timely returns the signed waiver shall have sixty (60) days after the date designated on the notice of lawsuit to file and serve an answer to the complaint or a motion permitted under Rule 12 of the Federal Rules of Civil Procedure.

A defendant who fails to timely return the signed waiver will be personally served with a summons and complaint, and may be required to pay the full costs of such service, pursuant to Rule 4(d)(2) of the Federal Rules of Civil Procedure

Id. at 1–2. Under Federal Rule of Civil Procedure 4(d)(2),

If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant: (A) the expenses later incurred in making service; and (B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.

On July 2, 2025, Attorney Natasha Anne Fingar entered a notice of appearance on behalf of Defendant Dubek. Dkt. 20. However, the Court has not received a waiver of service signed by Defendant Dubek. *See docket*. Additionally, no signed service waiver has been received from Defendant DentALL, and no attorney has entered an appearance on its behalf. *See docket*. Even so, the Court observes that the Service Order has not been returned as undeliverable from any defendant, and publicly available records show that Defendant Dubek is a registered agent for DentALL, PLLC. *See* WASH. SEC'Y OF STATE, *Corporations & Charities Filing System (CCFS) Search*, <https://www.sos.wa.gov/corporations-charities> (accessed on Jul. 9, 2025) (listing business registration information for "DENTALL PLLC" under Uniform Business Identifier No. 605-253-806). In light of these circumstances, the Court finds it likely that Defendant DentALL, or a registered agent thereof, has received the Service Order and enclosed waivers of service.

1 Because Defendants Dubek and DentALL have failed to timely return signed waivers of
2 service, they must show cause as to why the Court should not direct the U.S. Marshal to
3 personally serve them, with the costs of such service assessed against them pursuant to Rule
4 4(d)(2). In lieu of showing cause, appropriate counsel may file waivers of service signed by
5 Defendants Dubek and DentALL.

6 II. INSTRUCTIONS TO DEFENDANTS

7 For the above stated reasons, Defendants Jessica Dubek and DentALL, PLLC are ordered
8 to show cause why the Court should not direct the U.S. Marshal to personally serve them, with
9 the costs of personal service assessed against them pursuant to Rule 4(d)(2). Alternatively,
10 Defendants Dubek and DentALL may satisfy this Order by filing waivers of service. Defendants
11 Dubek and DentALL must show cause or file signed waivers of service on or before July 25,
12 2025.

13 Additionally, the Clerk's Office is directed to send a copy of this Order, the Service
14 Order (Dkt. 11), and all service documents identified therein to Defendant DentALL, PLLC at
15 10134 Halloran Rd, Bow, WA, 98232, which is the mailing address reflected on the Washington
16 State Secretary of State website. *See* WASH. SEC'Y OF STATE, *Corporations & Charities Filing*
17 *System (CCFS) Search*, <https://www.sos.wa.gov/corporations-charities> (accessed on Jul. 9, 2025)
18 (listing business registration information for "DENTALL PLLC" under Uniform Business
19 Identifier No. 605-253-806).

20 Dated this 10th day of July, 2025.

21 

22 David W. Christel
23 United States Magistrate Judge
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